



## APPENDIX

## Rule 52, Federal Rules of Civil Procedure:

## RULE 52. FINDINGS BY THE COURT

(a) Effect. In all actions tried upon the facts without a jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court.

(b) Amendment. Upon motion of a party made not later than 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59. When findings of fact are made in actions tried by the court without a jury the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the district court an objection to such findings or has made a motion to amend them or a motion for judgment.

**RULES OF PRACTICE OF THE UNITED STATES  
DISTRICT COURT FOR THE  
DISTRICT OF ARIZONA**

**Effective September 16, 1938**

**RULE 21—FINDINGS**

In all actions in which findings are required, the prevailing party shall prepare a draft of the findings and conclusions of law within 5 days after the rendition of the decision of the court, if the same was in the presence of counsel, otherwise within 5 days after notice of the decision. Such draft of the findings and conclusions of law shall be filed with the clerk and a copy thereof served upon the adverse party, who shall within 5 days thereafter file with the clerk and serve upon his adversary such proposed amendments or additions to the findings as he may desire. The findings shall thereafter be deemed submitted and shall be settled by the judge and when so settled shall be engrossed by the prevailing party within 5 days thereafter and shall be then signed and filed. No judgment shall be entered in actions in which findings of fact and conclusions of law are required until the findings and conclusions have been settled and filed. A failure to file proposed findings of fact and conclusions of law and take the necessary steps to procure the settlement thereof shall be grounds for dismissal of the action for want of prosecution at a call of the general calendar.

